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BIGAMY—COMMON LAW MARRIAGE.—While defendant had a lawful wife living, he contracted a common law marriage with another woman, the latter acting in good faith. *Held*, that he is guilty of bigamy. *People v. Mendenhall* (Mich.), 78 N. W. 325.

The decision is in accordance with principle and authority. See *Heiler v. People* (Ill.), 47 Am. St. Rep. 228, and monographic note.

TITLE TO REAL ESTATE—ESTOPPEL IN PAIS.—In *Petit v. Flint etc. R. Co.* (Mich.), 78 N. W. 554, it is held that an estoppel *in pais* cannot be set up to defeat the legal title of the plaintiff in ejectment.

It seems to be well established in Virginia that estoppel *in pais* cannot operate as a conveyance of legal title to a freehold. See *Bolling v. Mayor*, 3 Rand. 563, 576; *Burtners v. Keran*, 24 Gratt. 42; *Suttle v. R. F. & P. R. Co.*, 76 Va. 284; *Nye v. Lovitt*, 92 Va. 710.

See Mr. Bishop's vigorous criticism of this doctrine, in Bish. Cont. 309.

CONVERSION—AGENCY.—Keepers of a tobacco salesroom, sold tobacco as agents for a consignor, receiving a commission for their services. There were liens on the tobacco, of which the agents had notice. *Held*, they are liable to the lienors for conversion. *White v. Boyd* (N. C.), 32 S. E. 495.

It is well settled that an agency is no defense to an action for the conversion of the property of a third person, howsoever innocent the agent may be. He cannot plead the authority of his principal, when the latter had none. *Mechem*, Ag. 181, 573; *Robinson v. Bird*, 158 Mass. 357 (35 Am. St. Rep. 495); *Newsum v. Newsum*, 1 Leigh, 86; cases collected in 2 Va. Law Reg. 551.

MASTER AND SERVANT—ENTICING SERVANT—SEDUCTION.—Plaintiff's declaration alleged that the defendant enticed and procured his daughter and servant to depart out of his service, *per quod servitum amisit*. Defendant demurred on the ground that the declaration failed to allege knowledge on part of the defendant that the daughter was the servant of the plaintiff. *Held*, on the authority of *Blake v. Lanyon*, 6 Term R. 221, that the objection is well taken. *Clark v. Clark* (N. J.), 42 Atl. 770. A second count in the same declaration for seducing the plaintiff's daughter and servant, was held sufficient, without the allegation of such knowledge on the part of the defendant. 2 Chitty, Pl. 644, note a; *Smith, Mast.* and S. *175.

RAILROADS—FAILURE TO USE AUTOMATIC COUPLERS, NEGLIGENCE PER SE.—In *Troxler v. Southern Railway Co.* (N. C.), 32 S. E. 550, it is held that failure of a railroad company to equip its freight cars with automatic couplers, is negligence *per se*, and a brakeman injured in attempting to couple cars not so equipped, may maintain an action regardless of whether he was himself guilty of contributory negligence in making the coupling or not, if the use of automatic couplers would have prevented the possibility of the injury. The opinion, by Clark, J., abounds in statistics of accidents to railway employes. The doctrine is not a new one in North Carolina, but probably obtains in but few if in any of the other States, in advance of the recent Act of Congress on the subject.